

1 BILL NO. G-83-11-57

2 GENERAL ORDINANCE NO. G-57

3 An Ordinance confirming a certain
4 Resolution adopted by the Board of
5 Park Commissioners for the City of
6 Fort Wayne, Indiana, restricting
7 the carrying, use, consumption,
8 sale or transfer of alcoholic be-
9 verages in the City parks without
prior written approval of the Board
of Park Commissioners, providing
for penalties, and repealing all
ordinances in conflict and providing
for an effective date.

10 WHEREAS, it is in the best interest of this City and of
11 its citizens to have more complete and clearly defined control
12 with respect to the restricting of the use of alcoholic beverages
13 in City parks; and

14 WHEREAS, by Resolution duly adopted by the Board of Park
15 Commissioners prohibited certain acts and conduct within the pro-
16 perty of the City of Fort Wayne under the jurisdiction of the said
17 Board of Park Commissioners, to-wit:

18 The carrying in of, consumption,
19 transfer or sale of alcoholic
beverages in said areas.

20 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
21 THE CITY OF FORT WAYNE, INDIANA:

22 SECTION 1. Chapter 19, Article 1, of the Municipal
23 Code of the City of Fort Wayne is hereby amended by repealing
24 Section 19-8 and substituting the following new code section which
25 reads as follows:

26 ARTICLE 1. IN GENERAL

27 Sec. 19-8. Possession, Sale or Consumption of Alcoholic
28 Beverages.

29 SECTION 1.

30 (a) No intoxicants of any kind, including wine, beer,
31 ale, or other alcoholic beverages, shall be brought
32 into a park area, consumed, sold or given away on

2
3 the premises of any public park, parkway or boule-
4 vard strip, without a prior written permit to do
5 so having been received from the Board of Park
6 Commissioners. The form of the permit shall be as
7 determined, from time to time, by the Board of
8 Park Commissioners. Permits shall be available
9 at the offices of the Parks and Recreation Depart-
10 ment of the City of Fort Wayne, Indiana.

11 (b) Fees for such a permit shall be pursuant to a
12 schedule, as developed by the Board of Park Com-
13 missioners from time to time. Fee schedules may
14 be obtained at the offices of the Parks and Re-
15 creation Department of the City of Fort Wayne,
16 Indiana. Any fees imposed here shall be in addi-
17 tion to any facility rental charge imposed by the
18 Board of Park Commissioners.

19 (c) The Board of Park Commissioners shall have the
20 authority to develop and implement policies con-
21 trolling the possession and use of alcoholic bev-
22 erages in the public parks and park facilities.

23 (d) All permits granted under this section shall be
24 prominently displayed and produced for inspection
25 when requested by an officer or citizen, and shall
26 not be transferrable.

27 (e) No permit granted under this section shall be con-
28 strued to entitle any person to possess, serve,
29 sell, consume or give away alcoholic beverages in
30 any place other than the area specifically desig-
31 nated in said permit. Furthermore, no permit
32 granted under this ordinance shall be construed to
33 allow any individual to act in any fashion that

Page Three

would violate any other law, statute, ordinance, rule or regulation.

(f) The permit of any person who shall violate or fail to comply with any provision of this section may be immediately revoked by the Board of Park Commissioners or its designates.

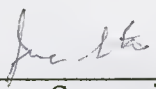
(g) All fees from issuance of such permits shall accrue to the General Fund of the Parks and Recreation Department of the City.

(h) Any violation of any of the provisions of this Ordinance by any person shall be punishable by a fine in any sum of not less than Twenty-Five and No/100 Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), for each offense.

SECTION 2. All Ordinances, or part thereof heretofore adopted, affecting the possession, sale consumption, giving away transfer or carrying into a park area of any intoxicant, including alcoholic beverages, are hereby repealed.

SECTION 3. That this Ordinance shall be in full force and effect upon passage and approval by the Mayor, and legal publication thereof.


APPROVED AS TO FORM
AND LEGALITY



Councilmember

Read the first time in full and on motion by Scia,
seconded by Brady, and duly adopted, read the second time
by title and referred to the Committee Regulation (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on Thursday, the 27th day of
November, 1983 at 7:30 o'clock P.M., E.S.T.

DATE: 11/22/83 Dandra E. Kennedy
CITY CLERK

Read the third time in full and on motion by Scia,
seconded by Brady, and duly adopted, placed on its
passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GiaQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHOMBURG</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCRUGGS</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 12-13-83 Dandra E. Kennedy
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____.

ATTEST: (SEAL)

CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____, at the hour of
_____ o'clock _____ .M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ .M., E.S.T.

WIN MOSES, JR. - MAYOR

BILL NO. G-83-11-57

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE confirming a certain Resolution adopted by the Board of
Park Commissioners for the City of Fort Wayne, Indiana, restricting the
carrying, use, consumption, sale or transfer of alcoholic beverages in
the City parks without prior written approval of the Board of Park
Commissioners, providing for penalties, and repealing all ordinances in
conflict and providing for an effective date

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE do not PASS.

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GIAQUINTA

ROY J. SCHOMBURG

James S. Stier
Janet G. Bradbury
Victure L. Scruggs
Mark E. Giaquinta
Roy J. Schomburg

Concurred
12-13-83

0000
Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE _____ General Ordinance

8-83-11-57

DEPARTMENT REQUESTING ORDINANCE _____ Parks Department

SYNOPSIS OF ORDINANCE _____ An Ordinance confirming a certain Resolution
_____ adopted by the Board of Park Commissioners for the City of Fort Wayne,
_____ Indiana, restricting the carrying, use, consumption, sale or transfer
_____ of alcoholic beverages in the City parks without prior written ap-
_____ proval of the Board of Park Commissioners, providing for penalties,
_____ and repealing all ordinances in conflict and providing for an ef-
_____ fective date.

EFFECT OF PASSAGE _____ Added income for the Park Department.

EFFECT OF NON-PASSAGE _____ Opposite of the above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____